

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DONNA CURLING, et al;	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION
	)	FILE NO: 1:17cv02989-AT
BRAD RAFFENSBERGER, et al.;	)	
	)	
	)	
Defendants.	)	
	)	
	)	

**FULTON COUNTY DEFENDANTS’ RESPONSE TO COALITION  
PLAINTIFFS’ SUPPLEMENTAL STATEMENT OF ADDITIONAL FACTS  
SUBMITTED IN RESPONSE TO MOTIONS FOR SUMMARY  
JUDGMENT**

The Members of the Fulton County Board of Registration and Elections, Mary Carole Cooney, Vernetta Nuriddin, David J. Burge, Mark Wingate, and Aaron Johnson, (hereafter “Fulton County Defendants”) hereby file this Response to Coalition Plaintiffs’ Supplemental Statement of Additional Facts Submitted in Response to Motions for Summary Judgment, it pertains to the Fulton County Defendants.

13. Voter Travis Edwards was turned away from voting in Fulton County on November 8, 2022, because the PollPad inaccurately stated that he was a Gwinnett County resident. Doc. 1597 Decl. Nakamura ¶ 62-64.

**Response: Undisputed.**

21. In response to privacy complaints from voters, Fulton Board Member Aaron Johnson stated in a July 9, 2020, meeting: “When in the South Service Center, you could see in the hallway and see two rooms over and see people’s votes because of the large touchscreen.” Doc. 1597 Decl. Nakimura ¶ 35.

**Response: Undisputed.**

22. On July 27, 2020, Dr. Kathleen Ruth, a board member of the Fulton Board of Elections, sent an e-mail to other board members and Richard Barron stating that the machines were positioned so that all of the poll workers could see the voting screens at Northside library during early voting. Doc. 1618-1 at 2 Decl.

Marks ¶ 10.

**Response: Undisputed.**

23. On July 28, 2020, Vernetta Nuriddin, then a member of the Fulton County

Board of Elections, wrote to other board members, Fulton County officials, and Rick Barron, stating that the screens are so visible that “casting a private ballot is impossible for voters.” Doc. 1618-1 at 1 Decl. Marks ¶ 10.

**Response: Undisputed.**

24. The Carter Center, appointed by the State Election Board to review Fulton County’s election operations, reported: “The height and angle of the BMD screen within the equipment container inadvertently undermined the secrecy of the voting process, especially in locations where tight space did not allow for optimal placement of the equipment containers.” Doc. 1597 Decl. Nakamura ¶ 23.

**Response: Undisputed.**

33. In an October 3, 2020 letter, counsel for CGG informed Fulton County Election Board Members of the violations of law with respect to the voting system relating to election security and ballot secrecy and described how Fulton could independently comply with the law without further direction from the Secretary of State. Doc. 1590 Decl. Marks ¶13 Ex. 10.

**Response: Fulton County Defendants object to this paragraph because Plaintiffs characterize a question of law (a violation of law) as a statement of material fact in dispute, and the Court should not consider it.**

**LR 56.1(B)(1)(c).**

35. On November 8, 2022, Marilyn Marks was leaving Fulton County's Ponce de Leon polling place in the evening after dark and could see from the sidewalk the brightly lit screen of the touchscreen while a voter was voting, revealing his selections. Doc. 1618 Decl. Marks ¶ 21-22.

**Response: Undisputed.**

38. On October 17, 2022, CGG sent a letter to all counties informing them of the DVS Order Vulnerability that can violate ballot secrecy. Doc. 1618 Decl. Marks ¶ 24.

**Response: Undisputed.**

39. CGG obtained video security records from Fulton County from the Ponce de Leon Library polling place and the New Beginnings Senior Center for early voting in October 2021. Such video records show the record of each voter casting their

ballot in the scanner, and the exact time the ballot was cast. Doc. 1618 Decl. Marks ¶ 20.

**Response: Undisputed.**

Respectfully submitted this 13th day of March 2023.

**OFFICE OF THE COUNTY  
ATTORNEY**

**/s/ David R. Lowman**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I have electronically filed the foregoing **FULTON COUNTY DEFENDANTS' RESPONSE TO COALITION PLAINTIFFS' SUPPLEMENTAL STATEMENT OF ADDITIONAL FACTS SUBMITTED IN RESPONSE TO MOTIONS FOR SUMMARY JUDGMENT** with the Clerk of Court using the CM/ECF system, with the Clerk of Court using the CM/ECF system, which will send email notification of such filing to all attorneys of record.

This 13<sup>th</sup> day of March 2023.

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